

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

JANICE B. SCHWARTZ AND ROBERT
GAYLE AMUNDSON, PARTNERS DBA
J & J PROPERTIES,

Plaintiffs,

v.

CENTURY SURETY COMPANY,

Defendant.

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CIVIL ACTION NO. 1:11-CV-217-C

**DEFENDANT CENTURY SURETY COMPANY'S
DESIGNATION OF REBUTTAL EXPERTS**

Pursuant to Rule 26(a)(2)(A) and (D) of the FEDERAL RULES OF CIVIL PROCEDURE, Defendant Century Surety Company ("Century") files its Designation of Rebuttal Experts as follows:

I.

Based on the information presently available and the issues currently presented, Century may call the following individual as a rebuttal expert witness:

- (1) Gary D. Boyd
3708 Eagles Nest Trail
Burleson, TX 76028
Ph: 817-477-3436

Mr. Boyd will address the opinions set forth in Jim Barr's expert report. In doing so, Mr. Boyd will address the effects of the April 24, 2011 hail storm on the building/property of J&J, if any, and whether the storm caused damage to any of the roofs at the insured locations. Mr. Boyd may also testify about the composition of the various roofs, the condition of the roofs, the extent of any hail damage to the roofs, the approximate age of the hail damage, if any, whether any hail damage occurred during the Century coverage period and, in the event any hail damage occurred during the Century

**DEFENDANT CENTURY SURETY COMPANY'S DESIGNATION OF REBUTTAL EXPERTS--PAGE
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coverage period, whether such damage would necessitate repair or replacement of the roofs. He will also offer his opinions regarding the reasonable and necessary costs that would be incurred in replacing the roofs, regardless of the cause.

Mr. Boyd may also offer opinions regarding topics addressed by Plaintiff's other experts who may testify regarding damage, causation and/or replacement costs, including, but not limited to, Robert Taylor. Copies of estimates prepared by Mr. Boyd in relation to this case are attached hereto as Exhibits 1-3. A copy of Mr. Boyd's curriculum vitae is attached hereto as Exhibit 4. A list of the cases in which Mr. Boyd has testified in the past nine years is included within Exhibit 4.

II.

Century also designates the following person who may be used at trial to present rebuttal evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence:

- (1) W. Neil Rambin
Sedgwick, L.L.P.
1717 Main Street, Suite 5400
Dallas, Texas 75201
469-227-8200

Mr. Rambin will offer rebuttal testimony regarding the reasonable and necessary attorney fees in this case. He is not retained or specially employed to provide expert testimony in this case.

III.

Defendant Century Surety Company hereby reserves the right to elicit and offer expert testimony of any or all of the experts designated by any other party to this lawsuit, including but not limited to those designated by Plaintiff.

Century Surety Company also reserves the right to supplement, amend, or withdraw this expert designation.

Respectfully submitted,

/s/ L. Kimberly Steele
W. NEIL RAMBIN
State Bar No. 16492800
neil.rambin@sedgwicklaw.com
L. KIMBERLY STEELE
State Bar No. 04127600
kimberly.steele@sedgwicklaw.com
LISA M. HENDERSON
State Bar No. 24025423
lisa.henderson@sedgwicklaw.com

SEDGWICK LLP
1717 Main Street, Suite 5400
Dallas, TX 75201-7367
Telephone: (469) 227-8200
Facsimile: (469) 227-8004

**ATTORNEYS FOR DEFENDANT
CENTURY SURETY COMPANY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been served upon Plaintiff's counsel on the 29th day of January, 2012 in accordance with the FEDERAL RULES OF CIVIL PROCEDURE:

H. ALAN CARMICHAEL
WETSEL & CARMICHAEL. L.L.P.
207 Oak St.
Sweetwater, TX 79556

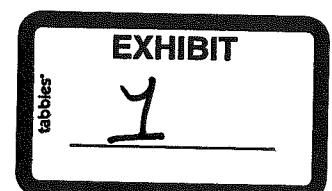
/s/ L. Kimberly Steele
L. KIMBERLY STEELE

BOYD, INC.
 601 S SIXTH AVE.
 MANSFIELD, TX 76063
 .1.888.269.3462
 .1.817.477.3436
www.boydbonedry.com

Suburban Shopping Center
 4128 N. 1st Street
 Abilene, TX

8/3/2012

ESTIMATE	UNITS	Type	UNIT \$	TOTALS
R-panel Metal roof				
Tear off R-panel roofing	46.67	sq	54	2520.18
Replace R-panel roofing	46.67	sq	375	17501.25
R & R rake trim	125	l/ft	6.4	800
R & R formed ridge	86	l/ft	5.85	503.1
R & R gutter/eave trim	172	l/ft	9.75	1677
R & R downspouts	90	l/ft	9.75	877.5
Landfill pro-rata	1	ea	385	385
Sub-total of above				\$24,264.03
State tax				\$2,001.78
Total including state tax				\$26,265.81

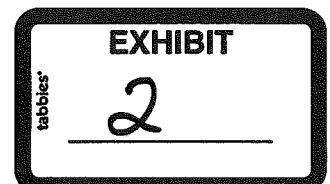


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4130 N. 1st Street
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8/3/2012

ESTIMATE	UNITS	Type	UNIT \$	TOTALS
BUR-Gravel (with domed design)				
Dome Area				
Replace flush design 1/2 round skylights	7	ea	250	1750
Remove organic BUR roof on dome area 20' diam	4.45	sq	85	378.25
Upcharge to carry to roof edge	4.45	sq	25	111.25
Remove balance of organic felt area	13.3	sq	95	1263.5
Replace torn off roof areas 4 ply BUR	17.75	sq	380	6745
Remove loose gravel	72.5	sq	25	1812.5
Spud balance of roof	72.5	sq	65	4712.5
Apply surface ply felt set in asphalt	72.5	sq	115	8337.5
Flood and gravel roof surface	90.25	sq	75	6768.75
Clean and seal mod bit perimeter flashing	210	l/ft	4.5	945
Apply 5 course flashing to curbed wall	180	s/f	4.5	810
Pro-rata landfill	2	ea	385	770
High lift to access, load/off-load roof	0.5	mo	2600	1300
Sub-total of above				\$35,704.25
State tax				\$2,945.60
Total including state tax				\$38,649.85

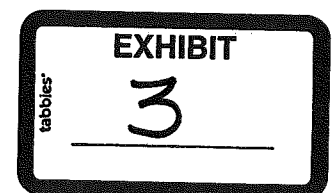


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8/3/2012

ESTIMATE	UNITS	Type	UNIT \$	TOTALS
BUR-Gravel ; 3-tab shingles; jr. shakes				
Wood Shake mansard				
Remove wood shingles	29.84	sq	42	1253.28
Replace jr. shakes	35.8	sq	479	17148.2
Upcharge for mansard work	35.8	sq	80	2864
Rolling scaffold charge 2 units	2	ea	265	530
Remove/replace cap flashing at mansard	370	l/ft	10.95	4051.5
Remove 3-tab shingles	25	sq	36	900
Replace 20 yr 3-tab shingles with felt	27.5	sq	160	4400
Vertical upcharge for 6 nails	27.5	sq	16	440
Upcharge for vertical/ work from ground 5' hgth	27.5	sq	15	412.5
Scratch back, spot repair, flood & regravels	221.7	sq	295	65401.5
Along shingle area spud roof to smooth surface	31.4	sq	65	2041
Add additional ply felt at spudded area	31.4	sq	115	3611
Spud and flash parapet walls	370	l/ft	9	3330
Spud and flash all perimeters/transitions	400	l/ft	4.5	1800
R&R mod bit roof sections	210	s/f	5.5	1155
Pro-rata high lift to access, stock and off-load roof	1	mo	2600	2600
Pro-rata landfill	4	ea	385	1540
Sub-total of above				\$113,477.98
State tax				\$9,361.93
Total including state tax				\$122,839.91



RESUME FOR: Gary D. Boyd

3708 Eagles Nest Trail
Burleson, TX 76028
Phn: 817.477.3436
Fax: 817.477.3438
Email: gboyd1974@aol.com

Born: Abilene, Texas 1947

Reared: Anson, Texas, a small farming community 15 miles north of Abilene.

Education:

1962-66	Anson High School	
1966-70	Baylor University	BA in English; Religion
1970-73	Golden Gate Baptist Theological Seminary	MDiv study

Professional Studies:

@1983	Acquired type IV property adjustors license
@1986	Texas A&M remote studies for code enforcement
@1996	RCATexas Certification number 47
@2000	Completed Retra Course for Asbestos Roofing Supervision
@2005	Completed Louisiana Business Law Course Hold LA Contractor's license #44706
@2010	Accredited Green Roof Professional

Past and current Manufacturer's Certifications—partial list

JP Stevens	Goodyear	GAF
Versico	Bitec	US Intec
US Ply	ER Systems	Henry Company
Tamko	Johns Manville	Supradur
Eternit	Siplast	Performance Products
Allied Signal	Koch	Koppers
Sarnafil	Sonneborn	Hydrozo



Work History

1974-2010 President of Boyd, Inc.
Boyd, Inc. is a construction company that specializes in roofing and waterproofing. It has been in business continuously since its inception in 1974. The business has been located at 601 South 6th Street, Mansfield, TX since 1983.

Professional Memberships

Tarrant County CSI
North Texas Roofing Contractor's Association (president 1995)
Roofing Contractor's Association of Texas
Midwest Roofing Contractor's Association
National Roofing Contractor's Association
Western Roofing Contractor's Association
Spray Polyurethane Foam Alliance
Green Roofs For Healthy Cities

Professional Activities:

President of Boyd, Inc.
Actively manages roofing company.
Actively manages consulting/ expert work in roofing field
 Appraisals
 Field inspections/reports
 Damage assessment (scope & price analysis, negotiations and recommendations)

Past Board Member:
 NTRCA
 CSI (Fort Worth)
 Mansfield Business Development Committee

CEU Studies

2007 Spray Foam Association

Good Roofing Practice in Foam Application
Retro-fit problems and Anchoring Systems
Coating Problems and Recommendations
Hail Resistance and Granular Surfacing

2008 RCAT

Green Roof Introduction (Wis, Janey)
Texas Energy Code requirements and issues

2008 MRCA

Metal Building Roof systems

2008 WSRCA

SecureRock Workshop
Carlisle Self Adhering TPO Workshop
Henry Company: Green Roof roofing workshop

2009 WSRCA

Energy Efficient & Green Roofing Systems
Green Roof Design 101
GAF—TruSlate (product concept and installation process)
ICBO Code Update Review
Coating Systems: (Where they are being used; How they should be used; Why you should be doing them)
Lomanco Ventilation Workshop

RCI Region IV Seminar:

- A) Membrane waterproofing applications for garden roofs and electronic field vector leak analysis
- B) Available Solar Technologies Installation, Economics and Financing Options
- C) Rooftop PhotoVoltaics
- D) Design problems with photo voltaic installations

2010 General

GAF composition shingle application & principles review

2010: AGRP (Accredited Green Roof Professional) by GRHC.

2011: NTRCA (Local Code Enforcement Issues)

IECC Review of CI Roof Insulation in controlled spaces

2012: NTRCA (Energy Code and Building Code revisions)

NRCA Round Table Tapered Insulation Discussion & Review

IBC Roof Drain Requirements for Contained Roofs
(Round Table Seminar Review)

GAF CMP seminar; maintenance programs, warranties & guarantees

MRCA Field Performance of Reflective Modified Bitumen Membranes

MRCA Working with Building Envelope Consultants

MRCA International Green Code Construction Code Update

MRCA Understanding OSHA, Mock Trial

EXPERT TESTIMONY IN DEPOSITION OR IN COURT PAST EIGHT YEARS

01. Scott v Perfection Roofing.....	2004
02. Cordova v McClain Roofing.....	2004
03. Royal Cloud LLC v Lafayette Insurance.....	2006
04. Continental Plaza LLC v Lafayette Insurance.....	2007
05. Tammany Mall v United Fire Insurance.....	2007
06. Keubel Fuchs Properties #1,LLC v Lafayette Ins. Co...	2008
07. Evans v United Fire (NO Louisiana).....	2008
08. TMM v Ohio Casualty Insurance.....	2010
09. Long Family Trust v State Farm.....	2010
10. Preakness Partners Ltd. V RSUI Indemnity.....	2010
11. Blackman Family Partnership, LTD. Vs Peerless	2011
12. Colony PPC, LP v America First Lloyd's.....	2011
13. Aero Components, Inc. v American Economy.....	2011
14. St Elizabeth Ann Seeton (multiple parties).....	2011
15. Main Street V Mount Vernon (Midland-ongoing).....	2011
16. Willis Reese V. Mule Hide Products Co., and Marsh Waterproofing, Inc.....	2013

For more information go to www.boydbonedry.com

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